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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,258	07/12/2001	Sarat C. Sankaran	60025-0012	3816
21186 7590 04/11/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER				
MEINCKE DIAZ, SUSANNA M				
ART UNIT		PAPER NUMBER		
3692				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/905,258

Applicant(s)

SANKARAN ET AL.

Examiner

Susanna M. Diaz

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-13, 15-24, 46, 48, 50, 51 and 62-72 is/are pending in the application.
- 4a) Of the above claim(s) 1, 3-13, 15-24, 46, 48, 50 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 62-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 21, 2007 has been entered.

Claims 2, 14, 25-45, 47, 49, and 52-61 stand as cancelled.

Claims 1, 3-13, 15-24, 46, 48, and 50-51 stand as withdrawn.

Claims 62-72 have been added and are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 62-72 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 62, 67, and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. (U.S. Patent No. 6,941,311).

Shah discloses a method for managing access to forecast data, the method comprising the computer-implemented steps of:

[Claim 62] identifying a first node in a product data hierarchy, wherein the first node is associated with a user and wherein the product data hierarchy comprises a product root node that corresponds with a broadest product grouping and one or more child nodes that correspond with divisions of the broadest product grouping (Fig. 10; col. 3, lines 25-67; col. 5, lines 28-50; col. 10, lines 24-61);

traversing the product data hierarchy from the first node by a first forecasting depth (abstract – The slicing and drilling refer to the ability to limit data by hierarchy level and to move up or down through a hierarchy, respectively; Fig. 3A; col. 3, lines 25-67; col. 4, lines 46-59; col. 5, lines 28-50; col. 8, lines 40-53);

identifying a first group of one or more nodes at the first forecasting depth from the first node (abstract – The slicing and drilling refer to the ability to limit data by hierarchy level and to move up or down through a hierarchy, respectively; Fig. 3A; col. 3, lines 25-67; col. 4, lines 46-59; col. 5, lines 28-50; col. 8, lines 40-53);

identifying a second node in a customer data hierarchy, wherein the second node is associated with the user and wherein the customer data hierarchy comprises a customer root node that corresponds with a broadest customer grouping and one or more child nodes that correspond with divisions of the broadest customer grouping (abstract – The slicing and drilling refer to the ability to limit data by hierarchy level and

to move up or down through a hierarchy, respectively; Fig. 3A; col. 3, lines 25-67; col. 4, lines 46-59; col. 5, lines 28-50; col. 8, lines 40-53 – A forecast related to products can be analyzed specifically in regard to customers or by geographical sales region grouped by country, region, and territory, which also implies a hierarchy of customer groupings);

traversing the customer data hierarchy from the second node by a second forecasting depth (abstract – The slicing and drilling refer to the ability to limit data by hierarchy level and to move up or down through a hierarchy, respectively; Fig. 3A; col. 3, lines 25-67; col. 4, lines 46-59; col. 5, lines 28-50; col. 8, lines 40-53 – A forecast related to products can be analyzed specifically in regard to customers or by geographical sales region grouped by country, region, and territory, which also implies a hierarchy of customer groupings);

identifying a second group of one or more nodes at the second forecasting depth from the second node (abstract – The slicing and drilling refer to the ability to limit data by hierarchy level and to move up or down through a hierarchy, respectively; Fig. 3A; col. 3, lines 25-67; col. 4, lines 46-59; col. 5, lines 28-50; col. 8, lines 40-53 – A forecast related to products can be analyzed specifically in regard to customers or by geographical sales region grouped by country, region, and territory, which also implies a hierarchy of customer groupings); and

presenting forecast data as a function of the first group of one or more nodes and the second group of one or more nodes (abstract – The slicing and drilling refer to the ability to limit data by hierarchy level and to move up or down through a hierarchy, respectively; Fig. 3A; col. 3, lines 25-67; col. 4, lines 46-59; col. 5, lines 28-50; col. 8,

lines 40-53 – A forecast related to products can be analyzed specifically in regard to customers or by geographical sales region grouped by country, region, and territory, which also implies a hierarchy of customer groupings).

[Claim 67] Claim 67 recites limitations already addressed by the rejection of claim 62 above; therefore, the same rejection applies. Furthermore, Shah uses software to carry out the disclosed invention (col. 12, lines 1-16).

[Claim 72] Claim 72 recites limitations already addressed by the rejection of claim 62 above; therefore, the same rejection applies. Furthermore, Shah uses a storage device and processor to carry out the disclosed invention (col. 11, lines 51-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 63-66 and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (U.S. Patent No. 6,941,311), as applied to claims 62 and 67 above, in view of Phillips et al. (US 2002/0116348).

Shah does not explicitly disclose the step of revising the presented forecast data (claim 63), wherein revising the presented forecast data includes specifying a unit

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volume (claim 64), wherein revising the presented forecast data includes specifying a unit price (claim 65), and wherein revising the presented forecast data includes specifying a total currency amount (claim 66). However, Phillips discloses a dynamic pricing system that uses "historical market data to forecast expected sales according to a market segment, product type, and a range of future dates and to determine the effects of price changes on forecasted future sales. This system further calculates unit costs for the product...estimates profits from sales at different prices by using the sales forecasts, adjusting these sales forecasts for changes in prices, and the costs determinations." (Abstract) Changes in sales can be modeled as a function of changes in prices (§ 22). Assumptions are made for sales volume and inputs are provided for the price per unit (e.g., \$ current amount/unit) of sold products (§ 22). Overall sales are reflective of a unit volume since total sales are forecasted. Phillips' dynamic pricing system addresses a previous problem in the art with "adjust[ing] rapidly to account for changes in market conditions [and] suggest[ing] different prices for different markets." (§ 4)

4) Shah's invention provides data analysts with a system and method for more rapidly accessing data needed for analyses, including sales forecasting-related analyses (col. 1, lines 19-44; col. 5, line 31; col. 8, lines 44-49) and Phillips also facilitates more time efficient sales forecasting; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Shah to perform the step of revising the presented forecast data (claim 63), wherein revising the presented forecast data includes specifying a unit volume (claim 64), wherein revising the presented forecast data includes specifying a unit price (claim 65),

and wherein revising the presented forecast data includes specifying a total currency amount (claim 66) (as taught by Phillips) in order to more rapidly account for changes in market changes (as suggested in ¶ 4 of Phillips), thereby improving the accuracy of Shah's sales forecasts.

[Claims 68-71] Claims 68-71 recite limitations already addressed by the rejection of claims 63-66 above; therefore, the same rejection applies. Furthermore, Shah uses software to carry out the disclosed invention (col. 12, lines 1-16).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: The original assignee of the instant application (ClosedLoop Solutions) discussed a product conceptually similar to the claimed invention on its web site, as per the Internet Archive Wayback Machine. For example, the web page <http://web.archive.org/web/20000619170815/http://www.cloop.com/> was archived on June 19, 2000 (more than one year prior to Applicant's filing date of July 12, 2001). On

this archived web site, it is stated, "Our Web-based solutions put you in control of the financial processes at the heart of your business. We can help you increase top-line and bottom-line performance and predictability, by enabling realtime financial response to business and market changes. The net-net? With Closedloop Solutions you can forecast the future dynamically, rapidly aligning resources to capitalize on opportunities - and exceed expectations." Applicant and Assignee are asked to provide information regarding the "Web-based solutions" publicized on the archived ClosedLoop Solutions web page. Do these Web-based solutions relate in any way to Applicant's claimed and/or disclosed invention? If so, how? For example, what are the differences, if any, between the "Web-based solutions" publicized more than one year prior to Applicant's filing date and the claimed invention?

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references discuss different aspects of accessing forecast-related data through various data arrangements:

Shah et al. (U.S. Patent No. 6,662,174)

Kavounis et al. (US 2002/0116213)

Kootale (US 2002/0178167)

Zarefoss et al. (US 2002/0138324)

Gung et al. (U.S. Patent No. 6,816,839)

The following references discuss different aspects of forecasting based on various variables:

Valentine et al. (U.S. Patent No. 7,062,447)

Maeda et al. (U.S. Patent No. 5,377,095)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Susanna M. Diaz/

Primary Examiner, Art Unit 3692

February 18, 2008